

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions

of the United States Court of Customs and
Patent Appeals and the United States
Customs Court

NOTICE

Vol. 8

NOVEMBER 20, 1974

No. 47

This issue contains

T.D. 74-283 through 74-287

C.D. 4561

Protest abstracts P74/811 through P74/820

Reap. abstracts R74/357 through R74/365

Tariff Commission Notices

DEPARTMENT OF THE TREASURY
U.S. Customs Service

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters

and Decisions

of the United States Court of Customs and
Patent Appeals and the United States
Customs Court



NOTICE

The abstracts, rulings, and notices which are issued weekly by the U.S. Customs Service are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Logistics Management Division, Washington, D.C. 20229, of any such errors in order that corrections may be made before the bound volumes are published.

This issue contains
T.D. 74-581 through 74-587

C.D. 4561

Protest abstracts 74-811 through 74-819

Reg. abstracts 74-737 through 74-745

Tariff Commission Notices

DEPARTMENT OF THE TREASURY

U.S. Customs Service

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Price 85 cents (single copy). Subscription price: \$43.70 a year; \$10.95 additional for foreign mailing.

U.S. Customs Service

(T.D. 74-283)

Foreign currencies—Daily rates for countries not on quarterly list

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, Philippines peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., October 30, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR Part 159, Subpart C).

Hong Kong dollar:

October 21, 1974.....	\$0.1975
October 22, 1974.....	.1975
October 23, 1974.....	.1975
October 24, 1974.....	.1975
October 25, 1974.....	.1980

Iran rial:

October 21-25, 1974.....	\$0.0149
--------------------------	----------

Philippines peso:

October 21, 1974.....	\$0.1485
October 22, 1974.....	.1485
October 23, 1974.....	.1476
October 24, 1974.....	.1490
October 25, 1974.....	1485

Singapore dollar:

October 21, 1974	-----	\$0. 4135
October 22, 1974	-----	. 4135
October 23, 1974	-----	. 4158
October 24, 1974	-----	. 4160
October 25, 1974	-----	. 4160

Thailand baht (tical):

October 21-25, 1974	-----	\$0. 0495
---------------------	-------	-----------

(LIQ-3-O:D:T)

R. N. MARRA,

Director,

Duty Assessment Division.

(T.D. 74-284)

Vessels in foreign and domestic trades—Customs Regulations amended

Sections 4.7(a), 4.75(a) and (b), 4.81(e), and 4.85(c), Customs Regulations, relating to the documents filed upon the entry and clearance of vessels, amended

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—UNITED STATES CUSTOMS SERVICE

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

On February 28, 1974, there was published in the Federal Register (39 FR 7799) a notice of proposed rulemaking setting forth proposed amendments to sections 4.7(a), 4.75(a) and (b), 4.81(e), and 4.85(c) of the Customs Regulations (19 CFR 4.7(a), 4.75(a) and (b), 4.81(e), 4.85(c)) pertaining to the inward foreign manifest, the outward foreign manifest, and the General Declaration. The proposed amendments are designed to facilitate the entry and clearance of vessels and clarify the filing of entry and clearance documents.

After reviewing the comments received in response to the notice of the proposed amendments, the following two minor changes were deemed necessary:

1. The words "Vessel in ballast" are deleted from the legend described in the proposed amendments to sections 4.7(a) and 4.81(e) as an unnecessary duplication of the remainder of the legend "no merchandise on board."

2. The words "(this may be a copy of the Customs Form 1301 filed in accordance with paragraph (a) of this section)" are inserted in section 4.75(b) after the words "a General Declaration on Customs Form 1301" to make it clear that the use of a carbon copy of the Customs Form 1301 required by section 4.75(a) is acceptable when the complete manifest is delivered to the district director.

The proposed amendments, including these changes, are adopted as set forth below.

Effective date. These amendments shall become effective 30 days after publication in the Federal Register.

(ADM-9-08)

VERNON D. ACREE,
Commissioner of Customs.

Approved October 30, 1974:

DAVID R. MACDONALD,

Assistant Secretary of the Treasury.

[Published in the Federal Register November 11, 1974 (39 FR 39718)]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Paragraph (a) of section 4.7 is amended by adding the following sentence:

§ 4.7 Inward foreign manifest; production on demand; contents and form.

(a) * * *. If a vessel arrives in ballast and therefore Customs Forms 7527-A or 7527-B are omitted, the legend "No merchandise on board" must be inserted in item 13 of the General Declaration.

* * * * *

Paragraphs (a) and (b) of section 4.75 are amended to read as follows:

§ 4.75 Incomplete cargo declaration; incomplete export declarations; bond.

(a) If a master desiring to clear his vessel for a foreign port does not have available for filing with the district director a complete outward foreign manifest¹⁰⁶ or all required shippers' export declarations,¹⁰⁷ the district director may accept in lieu thereof an incomplete manifest on Customs Form 1301, General Declaration, if there is on file in his office a bond on Customs Form 7567 or 7569 executed by the vessel owner or other person as attorney in fact of the vessel owner. The legend, "This incomplete manifest is filed in accordance with section 4.75, Customs Regulations," must be inserted in item 16 of the General Declaration. The oath on clearance on Customs Form 1300 (see section 4.63(e)) shall be required to be executed.

(b) Not later than the fourth business day after clearance¹⁰⁸ from each port in the vessel's itinerary, the master, or the vessel's agent on behalf of the master, shall deliver to the district director at each port a complete manifest (Customs Form 1374) of the cargo laden at such port together with duplicate copies of all required

Executive Order. These amendments shall become effective 30 days after publication in the Federal Register.

(11/1/80)

Executive Order
of the President

Approved: October 30, 1977

James H. McGowan

Assistant Secretary of the Treasury

Published in the Federal Register November 12, 1977 (40 FR 5717)

REG. 1-1-77-1-1 IN FORCE AND IN EFFECT

Section 1.7 of section 1.7 is amended to read as follows:

1.7.1. Inward foreign investment; production on demand; and
rents and taxes.

Section 1.7.1.1. Inward foreign investment; production on demand; and
rents and taxes. (11/1/80)

Section 1.7.1.2. Inward foreign investment; production on demand; and
rents and taxes. (11/1/80)

Section 1.7.1.3. Inward foreign investment; production on demand; and
rents and taxes. (11/1/80)

Section 1.7.1.4. Inward foreign investment; production on demand; and
rents and taxes. (11/1/80)

Section 1.7.1.5. Inward foreign investment; production on demand; and
rents and taxes. (11/1/80)

Section 1.7.1.6. Inward foreign investment; production on demand; and
rents and taxes. (11/1/80)

Section 1.7.1.7. Inward foreign investment; production on demand; and
rents and taxes. (11/1/80)

Section 1.7.1.8. Inward foreign investment; production on demand; and
rents and taxes. (11/1/80)

Section 1.7.1.9. Inward foreign investment; production on demand; and
rents and taxes. (11/1/80)

Section 1.7.1.10. Inward foreign investment; production on demand; and
rents and taxes. (11/1/80)

Section 1.7.1.11. Inward foreign investment; production on demand; and
rents and taxes. (11/1/80)

shippers' export declarations for such cargo and a General Declaration on Customs Form 1301 (this may be a copy of the Customs Form 1301 filed in accordance with paragraph (a) of this section). The oath of the master or agent on Customs Form 1300 (see section 4.63(e)) shall be properly executed before acceptance.

Footnote 106 to section 4.75 is amended to read as follows:

¹⁰⁶ See 46 U.S.C. 91.

The first two sentences of paragraph (e) of section 4.81 are amended to read as follows:

§ 4.81 Reports of arrivals and departures in coastwise trade.

(e) Before any foreign vessel shall depart in ballast, or solely with articles to be transported in accordance with section 4.93, from any port in the United States for any other such port, the master shall apply to the district director for a permit to proceed by filing a General Declaration, Customs Form 1301, in duplicate. If a vessel is proceeding in ballast and therefore Customs Forms 7527-A or 7527-B are omitted, the word "None" must be inserted in item 17 of the General Declaration and the words "No merchandise on Board" must be inserted in item 13 of the General Declaration. However, articles to be transported in accordance with section 4.93 shall be manifested on an inward foreign manifest, Customs Form 7527-B, as required by section 4.93(c). * * *

The fourth sentence of paragraph (c) of section 4.85 is amended to read as follows:

§ 4.85 Vessels with residue cargo for domestic ports.

(c) * * *. If no inward foreign cargo or passengers are to be discharged, the manifest or Passenger List may be omitted from the abstract manifest, as the following legend shall be placed in item 12 of the General Declaration: * * *.

(R.S. 251, as amended, secs. 431, 624, 46 Stat. 710, as amended, 759 (19 U.S.C. 66, 1431, 1627))

(T.D. 74-285)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles and textile products in certain categories manufactured or produced in the Socialist Republic of Romania

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 4, 1974.

There is published below the directive of October 25, 1974, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the restriction on entry into the United States of cotton textiles and textile products in certain categories manufactured or produced in the Socialist Republic of Romania. This directive further amends but does not cancel that Committee's directive of December 27, 1973 (T.D. 74-24).

This directive was published in the Federal Register on October 30, 1974 (39 FR 38280), by the Committee.

(QUO-2-1)

R. N. MARRA,
Director,
Duty Assessment Division.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

October 25, 1974.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

On December 27, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1974 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Socialist Republic of Romania, in excess of designated levels of restraint. The Chairman further advised you that the

levels of restraint are subject to adjustment.¹ This directive was previously amended by the directive of September 26, 1974.

Pursuant to paragraph 12 of the Bilateral Cotton Textile Agreement of December 31, 1970 between the Governments of the United States and the Socialist Republic of Romania, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible and for the twelve-month period beginning on January 1, 1974, the levels of restraint established for Categories 26, 47, 55 and 63, as amended by the directive of September 26, 1974, to the following:

Category	Amended Twelve-Month Level of Restraint ²
26	1,100,000 square yards
47	81,700 dozen
55	6,862 dozen
63	600,000 pounds

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,
*Chairman, Committee for the Implementation
of Textile Agreements, and
Deputy Assistant Secretary for
Resources and Trade Assistance*

¹ The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of December 31, 1970 between the Governments of the United States and the Socialist Republic of Romania which provide, in part, that within the aggregate, limits on certain categories may be exceeded by not more than five percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

² This level has not been adjusted to reflect any entries made on or after January 1, 1974.

(T.D. 74-286)

White or Irish potatoes, other than certified seed—Tariff-rate quota

Tariff-rate quota for the quota year beginning September 15, 1974, for white or Irish potatoes, other than certified seed

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 6, 1974.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1974, is 45,000,000 pounds.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1974, made by the United States Department of Agriculture as of October 1, 1974, was 33,776,700,000 pounds.

In accordance with headnote 2, part 8A, of schedule 1, Tariff Schedules of the United States, the quantity is not increased because the estimated production is greater than 21,000,000,000 pounds.

(QUO-2-0)

VERNON D. ACREE,
Commissioner of Customs.

[Published in the Federal Register November 12, 1974 (39 FR 39898)]

(T.D. 74-287)

Remission or mitigation of forfeiture and claims for forfeiture value

Guidelines for the remission or mitigation of forfeiture and claims for forfeiture value

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., November 5, 1974.

There is published below a Notice dated October 31, 1974, publishing the Guidelines for the Remission or Mitigation of Forfeitures and Claims for Forfeiture Value; Revision 1, issued by the Office of the Secretary.

This Notice was published in the Federal Register of Tuesday, November 5, 1974, (39 FR 39061).
(ENF-4-02)

LEONARD LEHMAN,
*Assistant Commissioner,
Regulations and Rulings.*

DEPARTMENT OF THE TREASURY

Office of the Secretary

UNITED STATES CUSTOMS SERVICE

Guideline for the remission or mitigation of forfeitures and claims
for forfeiture value

Revision 1

This notice publishes the Guidelines for the Remission or Mitigation of Forfeitures and Claims for Forfeiture Value; Revision 1, which are set forth below.

Revision 1 of the Guidelines for the Remission and Mitigation of Forfeitures and Claims for Forfeiture Value was issued to the Commissioner of Customs on October 22, 1974. The purpose of Revision 1 is to provide for the disclosure of the guidelines if the multipliers contained in subparagraphs a., b., and c. of paragraph 3.B.2. are deleted. The guidelines are used by the United States Customs Service in processing petitions for relief from forfeitures and claims for forfeiture value incurred under the provisions of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592).

Dated October 31, 1974.

DAVID R. MACDONALD,
*Assistant Secretary,
Enforcement, Operations,
and Tariff Affairs.*

October 22, 1974.

1. PURPOSE

To provide, in connection with the delegation of authority contained in paragraph 1(h) (8) of Treasury Department Order No. 165, revised, guidelines for use by the U.S. Customs Service in processing petitions for relief from forfeitures and claims for forfeiture value incurred under the provisions of section 592, Tariff Act of 1930, as amended.

The purpose of this revision is to provide for the disclosure of the guidelines if the multipliers contained in subparagraphs a., b., and c. of paragraph 3.B.2. are deleted.

2. BACKGROUND

The Secretary of the Treasury is authorized by Section 618 of the Tariff Act of 1930 (19 U.S.C. 1618) to remit or to mitigate any fine, penalty, or forfeiture arising under the Customs or Navigation Laws. The Secretary of the Treasury has delegated to the Commissioner of Customs the authority to grant relief from fines, penalties, and forfeitures arising out of laws administered by the U. S. Customs Service. The Commissioner of Customs has redelegated limited authority in this area to certain officers at Headquarters in Washington and to certain officers in the field. It is, therefore, desirable to establish uniform definitions, classifications of violations, a list of factors which may be considered in remitting or mitigating forfeitures and claims for forfeiture value, and formulas for arriving at normal disposition of liabilities incurred under section 592.

3. ACTION

Forfeitures and claims for forfeiture value incurred under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), may be remitted or mitigated (under section 618, Tariff Act of 1930, as amended, 19 U.S.C. 1618) if it is determined that such forfeiture or claim for forfeiture value was incurred without willful negligence or without any intention by the petitioner to defraud the revenue or violate the law, or there exist such mitigating circumstances as to justify remission or mitigation. The guidelines below will be used by the U.S. Customs Service in arriving at a just and reasonable disposition of liabilities arising under section 592. These guidelines do not change or add to existing delegated authority and will be used within the framework of that authority.

GUIDELINES

A. *Classification of Violations*

1. *Intentional*

An intentional violation is an act or acts (of commission or omission) which defrauds the revenue or otherwise violates 19 U.S.C. 1592, deliberately done with intent to defraud the revenue or otherwise violate the statute.

2. *Negligence*

A negligent violation is an act or acts (of commission or omission) which defrauds the revenue or otherwise violates 19 U.S.C. 1592, done

without demonstrable intent to defraud the revenue or otherwise violate the statute—

a. *Gross negligence*

—but with actual knowledge of or wanton disregard for the relevant facts and with indifference or disregard for the offender's obligations under the statute.

b. *Ordinary negligence*

—but with failure to exercise due care in ascertaining or recording the truth of the facts or with failure to use due care in ascertaining the offender's obligations under the statute.

B. *Disposition*

1. *Normal Disposition*

The penalty prescribed by statute for offenses under section 592 (and certain other sections to which these guidelines may be applied by analogy) is forfeiture of the merchandise involved in the offense or a claim for its domestic value. No relief is authorized unless one of the two basic conditions of section 618 is met—

a. A finding that the offense was committed without intent or willful negligence, or

b. A finding that mitigating circumstances exist.

2. Assuming that the appropriate condition is met, then normal disposition (the sum to which the statutory penalty is normally mitigated, but which may be increased or decreased because of factors such as those set out in paragraph 3.B.4., below) for the three categories of offenses defined above is:

a. *Intentional Violation*

—times the total loss of revenue (actual plus potential)

b. *Gross Negligence*

—times the total loss of revenue (actual plus potential)

c. *Ordinary Negligence*

—times the total loss of revenue (actual plus potential)

3. *Additional Considerations*

a. To all the above penalties should be added provision for deposit of the actual loss of revenue as withheld duties.

b. In no case, of course, may the mitigated penalty exceed the forfeiture value.

c. Loss of revenue for this purpose is actual loss of revenue plus potential loss of revenue:

(1) *Actual loss of revenue* is the revenue of which the Government was deprived by the violation in respect of entries on which liquidation has become final.

- (2) *Potential loss of revenue* is the revenue of which the Government was tentatively deprived by the violation in respect of entries on which the Government is not barred by law from the collection of additional revenue by reason of final liquidation of the entries involved.

d. Actual and potential loss of revenue are computed as the loss resulting from the difference,

- (1) in value cases, between the total entered value and either the total price actually paid or the total correct appraised value, whichever is lower; and
- (2) in classification cases, between the entered rate of duty and the correct rate of duty.

4. Below are listed some of the factors which *may* be considered in determining, for a particular case, the appropriateness of normal disposition ratios for mitigated penalties. In number and degree, they may be only sufficient to justify mitigation to normal disposition, or they may be sufficient (aggravating versus mitigating) to justify an increase or decrease from the normal disposition. The judicious application of these factors and others, where appropriate, provides the flexibility to dispense equity to the individual offender while preserving that degree of standardization which insures impartiality to all offenders.

a. *Mitigating Factors*

- (1) Loss of revenue is comparatively small in relation to the forfeiture value.
- (2) Contributory Customs error.
- (3) Cooperation in investigation by the offender
 - (a) Disclosures after investigation started
 - (b) Assistance in auditing and making available all relevant books, records and documents.
 - (c) Immediate rectification of loss of revenue
- (4) Remedial action immediately taken by offender
 - (a) Removal of offending employee(s)
 - (b) Rectification of organization or procedural defects in company
- (5) Inexperience in importing
- (6) Prior good record
- (7) Probable difficulty in collecting because offender is outside the jurisdiction of the United States
- (8) Inability to pay

(In reaching a decision as to the amount of penalty mitigation, a determination should first be made without regard to factors (7) and (8), and shown in the record. A determination should then be made with respect to difficulty in collecting or inability to pay and the fur-

ther mitigation therefore authorized, after full and accurate disclosure of all material financial facts.)

b. Aggravating Factors

- (1) Impeding the investigation
 - (a) Offer of bribes
 - (b) Destroying or withholding evidence
- (2) Previous record of violations
- (3) Experience in importing

C. Non-Revenue Violations (*Quotas, misdescription of duty-free merchandise, etc.*)

Where a violation results in no loss of revenue, an effort should be made to determine the estimated profit enjoyed as a result of the violation and apply to it the multipliers prescribed for normal disposition in loss of revenue cases. In calculating estimated profit, allowance should be given only for direct cost and expenses—i.e. shipping costs, duty and distribution expenses associated with the items involved. If reliable data is not available, these guidelines shall not apply.

D. Combined Violations

Where there is both a loss of revenue and a nonrevenue violation, the higher base (loss of revenue or profit) should be used. If profit is the base, add any actual loss of revenue.

E. Violations of Laws Administered by Other Agencies

Violations of laws administered by other agencies (such as Foreign Assets Control, Gold and Silver Operations, Agriculture, Fish and Wildlife) should be referred to the appropriate agency for its recommendations.

F. Liability of Customshouse Brokers

A broker should be held liable and subject to these guidelines only if he (1) committed an intentional violation or (2) is otherwise culpable and shared in the financial benefits from the violation. If both importer and broker are actually culpable and shared in the financial benefits, each may be assessed the full mitigated penalty as calculated under these guidelines. If the broker committed a negligent violation without sharing in the financial benefits, the penalty should be mitigated to a flat sum appropriate to the degree of negligence.

A broker should not be held as a guarantor to make the Government whole (by payment of actual loss of revenue) where he himself is not guilty of a violation. Filing an entry as importer of record (in his own name on behalf of an importer) should not alone make the broker liable for actual loss of revenue or any penalty. If he is the importer of

record, the broker is, of course, responsible for payment of any increased duties found to be due.

4. RESTRICTIONS ON DISTRIBUTION

This document includes information which is exempt from disclosure to the public under 5 U.S.C. 552(b), and is, for that reason, classified "Official Use Only". If the multipliers contained in subparagraphs a., b., and c. of paragraph 3.B.2 are deleted, this document is unclassified.

Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza
New York, N.Y. 10007

Chief Judge

Nils A. Boe

Judges

Paul P. Rao
Morgan Ford
Scovel Richardson
Frederick Landis

James L. Watson
Herbert N. Maletz
Bernard Newman
Edward D. Re

Senior Judges

Charles D. Lawrence
David J. Wilson
Mary D. Alger
Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Customs Decision

(C.D. 4561)

MORRIS FRIEDMAN & Co. v. UNITED STATES

Candlesticks

Certain brass illuminating articles designed for use with one or more candles *held* to be properly subject to duty under item 653.35, Tariff Schedules of the United States, as claimed rather than

under item 653.37, Tariff Schedules of the United States, as classified.

The question of commercial designation not being in issue, the common meaning of the term lamp is controlling. *United States v. Florea & Co., Inc.*, 25 CCPA 292, T.D. 49396 (1938).

In determining common meaning, the court may accept or reject testimony and may consult dictionaries or lexicographic authorities as an aid. *United States v. C. J. Tower & Sons of Buffalo, N.Y.*, 48 CCPA 87, C.A.D. 770 (1961).

The court in order to determine the intent of Congress in enacting a particular tariff provision may utilize the legislative history. *American Express Company v. United States*, 61 Cust. Ct. 208, C.D. 3573 (1968), *aff'd United States v. American Express Company*, 57 CCPA 100, C.A.D. 985 (1970).

Court No. 69/5352

Port of Philadelphia

[Judgment for plaintiff.]

(Decided October 21, 1974)

Allerton deC. Tompkins for the plaintiff.

Carla A. Hills, Assistant Attorney General (*Joseph I. Liebman*, trial attorney), for the defendant.

FORD, Judge: This case involves the proper classification of certain brass illuminating articles designed for use with one or more candles.¹ They were assessed with duty at the rate of 17 per centum ad valorem under the provisions of item 653.37, Tariff Schedules of the United States, and primarily claimed to be subject to duty at the rate of 9 per centum ad valorem under item 653.35, Tariff Schedules of the United States. The pertinent portions of the provisions involved read as follows:

Illuminating articles and parts thereof, of
base metal:

* * * * *

Other:

653.35	Table, floor and other portable lamps for indoor illumination, of brass-----	9% ad val.
653.37	Other: Of brass-----	17% ad val.

¹ The merchandise is identified on the invoices as candlesticks, candleholders, Menorahs, lanterns and sanctuary lamps.

Alternatively plaintiff contends for classification under item 654.00, Tariff Schedules of the United States, which provides for duty at the rate of 9 per centum ad valorem and reads as follows:

Articles not specially provided for of a type used for household, table, or kitchen use; toilet and sanitary wares; all the foregoing and parts thereof, of metal:

* * * * *

Articles, wares, and parts, of base metal, not coated or plated with precious metal:

* * * * *

Of copper:

654.00 Of brass----- 9% ad val.

The record upon which this case was submitted consists of the official papers which were received but not marked in evidence and the testimony of two witnesses called on behalf of plaintiff and one on behalf of defendant. In addition seven exhibits were received in evidence.

The first witness called on behalf of plaintiff was Mr. Isadore Serot, president of the actual importer, Terra Sancta Guild, whose business is the importation and sale of religious articles, lamps, gift items and household items which are sold throughout the United States. Mr. Serot identified the various exhibits.

The second witness called on behalf of plaintiff was Father Joseph B. Graham, a Catholic priest.

Defendant called on its behalf Mr. Charles M. Eckman, chairman of the board of Virginia Metalcrafters, manufacturers of candlesticks, chandeliers, fireplace equipment, trivets, plaques, antique reproductions and lamps. This company sells to customers in all 50 States.

Classification of merchandise under the superior heading "illuminating articles * * *" carries with it a presumption of correctness that the merchandise is illuminating articles. In addition, paragraph 6 of defendant's answer together with the testimony adduced at the trial establishes the involved merchandise to be illuminating articles. Inasmuch as the classified and claimed provisions fall under the same superior heading and the merchandise is admittedly brass (see paragraph 6 of defendant's answer), the issue to be determined is whether said articles are lamps and if so are they table, floor or portable lamps for indoor illumination.

The candlesticks, candleholders, Menorahs, lanterns and sanctuary lamps involved herein all use candles for illumination and are of a religious nature or contain religious characteristics or motifs used by Christian religions. The involved merchandise is not however inher-

ently religious articles as were the candlesticks and candelabras involved in *Ignaz Strauss & Co., Inc. v. United States*, 56 Cust. Ct. 54, C.D. 2611 (1966), *modified*, 54 CCPA 125, C.A.D. 923 (1967). Neither party alleges nor was proof adduced as to the principle of commercial designation. Therefore, the common meaning of the term lamp must be ascertained. Common meaning is a question of law to be determined by the court *United States v. Florea & Co., Inc.*, 25 CCPA 292, T.D. 49396 (1938). The meaning of a tariff term is presumed to be the same as its common or dictionary meaning in the absence of evidence to the contrary. In determining the common meaning the court may accept or reject evidence of such meaning and may consult dictionaries or lexicographic authorities as an aid. *United States v. C. J. Tower & Sons of Buffalo, N.Y.*, 48 CCPA 87, C.A.D. 770 (1961). The court in order to determine the intent of Congress in enacting the particular tariff provisions may utilize the legislative history.

In the case of *American Express Company v. United States*, 61 Cust. Ct. 208, C.D. 3573 (1968), *aff'd*, *United States v. American Express Company*, 57 CCPA 100, C.A.D. 985 (1970), the court reviewed the legislative history of the provision for illuminating articles. This court in its decision reviewed the Tariff Classification Study and the Brussels Nomenclature making the following comment:

Additional support for classification of the chandeliers at bar as illuminating articles of base metal is also furnished by the Explanatory Notes to the Brussels Nomenclature, 1955. Since the Submitting Report, *supra*, states at page 8 that "The 'Brussels Nomenclature' and the 'Standard Industrial Classification Manual' exerted the greatest influence on the arrangement of the proposed revised schedules," those articles included in the equivalent sections of the Brussels Nomenclature are some evidence of the intent of Congress with respect to the classification of articles under the Tariff Schedules of the United States. The pertinent heading number of the Brussels Nomenclature reads as follows:

83.07—LAMPS AND LIGHTING FITTING, OF BASE METAL, AND PARTS THEREOF, OF BASE METAL (EXCLUDING SWITCHES, ELECTRIC LAMP HOLDERS, ELECTRIC LAMPS FOR VEHICLES, ELECTRIC BATTERY OR MAGNETO LAMPS, AND OTHER ARTICLES FALLING WITHIN CHAPTER 85 EXCEPT HEADING No. 85.22).

This heading covers lamps and lighting fittings of the following types:

- * * * * *
- (B) Lamps, including candlesticks and candelabra, using any other source of light (animal or vegetable oil, petrol, paraffin, coal, gas, acetylene, etc.).
- * * * * *

The present heading covers in particular:

- (1) Lamps and light fittings normally used for illumination of rooms, e.g.:—hanging lamps, bowl lamps, chandeliers, candelabars; ceiling lamps, wall bracket lamps; standard lamps; table lamps, desk lamps, bedside lamps; night lamps; candle brackets for pianos; water-tight lamps.
- * * * * *
- (3) Portable and vehicle, etc., lamps (other than those of headings 85.09 and 85.10), e.g.: hurricane lamps; stable-lamps; hand lanterns; miners' lamps; quarrymen's lamps; candlesticks; locomotive and railway rolling-stock lanterns, ships' lanterns and cycle lamps; headlamps, etc., for aircraft or trains.

Also supportive of the fact that candle illuminated articles are considered lamps are the definitions contained in various dictionaries and lexicographic source.

The Encyclopedia Americana (1973) defines lamp as follows:

lamp—any contrivance which affords a means of producing light, and sometimes heat, by electricity or by combustion of oils, gasses, *fats* [emphasis added] of flammable fluids. * * *

Webster's Third New International Dictionary Unabridged (1965):

candle—1: a long slender cylindrical mass typically of *tallow or wax* [emphasis added] containing a wick of loosely twisted linen or cotton threads made by dipping or by casting in a metal mold and burned to give light.

tallow—1: animal *fat* [emphasis added]: suet. 2a: the rendered fat of cattle and sheep that is white and almost tasteless when pure, that is in general harder than grease with a titer of above 40°C, that is composed of glycerides of fatty acids containing a large proportion of palmitic acid and stearic acid, and that is used chiefly in making soap glycerol, margarine, candles, and lubricants. b: any of various fats (as from other animals or from plants) resembling beef and mutton tallow * * *.

Webster's New International Dictionary Second Edition Unabridged (1949):

candelabrum—a: A candlestick, usually ornamental. b: A *lampstand* [emphasis added] of any sort, often large and highly ornamental.

candlestick—A utensil for supporting a candle, whether elaborately made or in the common form of a saucer with a socket at the center; specif., the seven-branched golden candlestick, or more properly *lampstand* [emphasis added], of the Jewish tabernacle;—used figuratively as a symbol for a church or some

spiritual enlightener, with reference to the seven candlesticks of Revelation.

Webster's Third New International Dictionary Unabridged (1965) :

lampstand—a pillar, tripod, or stand for supporting or holding a lamp.

lantern—1: a protective enclosure for a light with transparent openings and often a supporting frame or carrying handle: a portable lamp. 2: a giver of light.

Funk & Wagnalls Standard Dictionary (1963) :

lampad—A lamp or torch; candlestick.

The foregoing definitions bring an illuminating article, which utilizes a candle, within the common meaning of the term lamp. The record testimony and a consideration of the seven exhibits are clearly supportive of this fact.

Exhibit 1 which was described on the invoice as a sanctuary lamp is used suspended from a hook to illuminate a holy object or icon according to witness Serot. It is used, based upon the experience of Father Graham, in a small chapel, before the Blessed Sacrament as a sanctuary lamp or on the side altar or in front of a statue or picture. It is designed to hold a 40-hour candle which burns for a period of devotion which was described by Father Graham as follows:

A period of devotion before the Blessed Sacrament, at which time we have certain ceremonies in church and during which time, the people are invited to come into the church to make specific visits to the Blessed Sacrament and various things of that nature.

According to both witnesses exhibit 1 was portable since all that is required to move the article is to remove it from the hook. Such an article would not be considered a fixture which becomes part of realty since it may be removed without material injury to the realty. *Boise Ass'n of Credit Men v. Ellis*, 26 Idaho 438, 144 P. 6, 9 (1914). The term portable also would bring exhibit 1 within the following definition as set forth in *Webster's Third New International Dictionary* (1965) :

portable—1: capable of being carried: easily or conveniently transported: light or manageable enough to be readily moved.

An examination of exhibit 1 together with the testimony establishes said exhibit as one not used on a table but which is used indoors and is portable.

Exhibits 2 and 6 are candleholders which are used on an altar at the time of the celebration of Mass and various other devotions, benediction or novenas. An altar according to the witness called on

behalf of plaintiff is a table. The illumination of the candles during a religious ceremony has the significance described by Father Graham as follows:

The significance of the candle is to symbolize the light of Christ. As the candle gives light to the area in which it is placed, so Christ gives light to the world. So, the significance of the candle would be as a representation of Christ as the light of the world.

Exhibits 2 and 6 are not suitable for use outdoors in their present condition. While witness Eckman called on behalf of defendant did state they could be used outdoors with a hurricane shade, the merchandise before the court does not have such addition. It is therefore apparent exhibits 2 and 6 are used on a table indoors and are obviously portable.

Exhibit 3, the Christ candleholder, according to witness Serot is used on a table usually in combination with other articles. The other articles according to Father Graham are Advent wreaths which contain four candles and are lit four times during the Advent season. Exhibit 3 would be placed in the center of the Advent wreath and lit to signify the birth of Christ. It would normally be used on a table in front of an altar or in the front of a classroom on a table. The exhibit has a quote from the scriptures and is in the form of a Greek cross. This exhibit is used on a table, is portable and used indoors.

Exhibit 4 is a floor candleholder which may be removed from its base for use in a procession within the church. This exhibit is therefore used on the floor or carried in a procession indoors.

Exhibit 5 is a Menorah similar to that used by people of the Jewish faith and is known by them as a Chanukah lamp according to witness Serot. Since many aspects of Christianity have roots in the Jewish religious observance, the witness indicated that the Menorah is becoming a tradition among Christians during the Advent season and Christmas. The exhibit has the Star of David which is one of the earliest Christian symbols and the symbol IX embodied within the star which symbol is the monogram of Christ according to Mr. Serot. Father Graham has seen the exhibit used in classrooms and in Newman Centers² to further the spirit of ecumenism. In Judaism, the Menorah is the tree of life. In Catholic symbolism, the Star of David is also the symbol for the Blessed Virgin. They are used on a table indoors during a particular season of the year.

Exhibit 7, a lantern, Mr. Serot testified was used indoors either on a table or hung by a chain. It is used during a religious discussion or to light a picture or icon. Father Graham testified he has never seen one

² A Newman Center is an institution run in conjunction with a nonsectarian college campus in order to bring a Christian or Catholic atmosphere for the Catholic students that go to that institution.

hung on a chain but has seen the lantern placed on a desk in classrooms during a reading from the scriptures. Exhibit 7 is inherently religious according to Father Graham, as indicated by the following:

On one side, it has a fish, the ichthys, which is a Greek word referring to Christ. So, the fish is definitely symbolic of Christianity. On another side, it has the anchor, which is a symbol of hope, in the Christian church, and on another side, it has a star, which is symbolic of peace and light, and the symbol for love, I don't recognize, but the other symbols are definitely significant.

According to Father Graham, exhibit 7 could also be used on an altar or as a sanctuary lamp. A sanctuary lamp was described by Father Graham as follows:

A lamp that is placed in the sanctuary of the church, by canon law, it is required to have them - a lamp burning 24 hours a day, in order to call attention to the fact that the Blessed Sacrament is there. By its light, it signifies the fact that the Blessed Sacrament is present in the church.

The defendant contends as did the testimony of its witness, Eckman, that a lamp is a device intended to provide illumination through the use of some energizing source or fuel such as electricity, gas or oil but not candles. A review of the testimony and exhibits as well as the legislative history and common meaning lends support to the view that defendant's position is too restrictive. Nor does defendant's position appear to fall within the intent of Congress in enacting the involved provision. Accordingly, I hold the imported merchandise to be properly dutiable as claimed under item 653.35, *supra*, at 9 per centum ad valorem. In view of this finding, it is unnecessary to consider plaintiff's alternate claim under item 654.00 since item 653.35 is more specific and therefore controlling.

Judgment will be entered accordingly.

Decisions of the United States Customs Court

Abstracts *Abstracted Protest Decisions*

DEPARTMENT OF THE TREASURY, *October 23, 1974.*

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

VERNON D. ACREE,
Commissioner of Customs.

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate			
P74/811	Boe, C.J. October 23, 1974	Casavant Freres, Ltd.	72-10-02145	Item 737.90 17.5%	Item 207.00 8%	Agreed statement of facts	Champlain (Ogdensburg) Letters and numerals wholly or in c.v. of wood, not chiefly used for the amusement of children or adults	

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate		
P74812	Boe, C.J. October 23, 1974	Franshaw et al.	74-1-00215, etc.	Item 706.60 20%	Item 774.60 8.5% or 10%			Adoleo Trading Co. et al. v. U.S. (C.D. 4487)	New York Shopping bags
P74813	Ford, J. October 23, 1974	American Sanitary Rag Co. et al.	66/45417, etc.	Item 664.70 15%	Item 665.22 12.5%			Transamerican Electronics Corp. et al. v. U.S. (C.D. 4405)	Chicago Earphones imported with radios
P74814	Ford, J. October 23, 1974	Norman G. Jensen, Inc., a/c Ross Machine & Mill Supply Plant	69/40777	Item 666.25 9%	Item 680.60 2%			Ross Machine & Mill Supply, Inc., et al. v. U.S. (C.D. 4389)	Duluth Cast-iron rollers
P74815	Ford, J. October 23, 1974	J. C. Penney Purchasing Corp. et al.	65/2777, etc.	Item 664.70 15% or 13% (Items marked "A") Item 706.08 or 706.60 20% (Items marked "B")	Item 685.22 or 685.25 12.5% or 11% (Items marked "A") Item 685.22 12.5% (entireties) (Items marked "B")			General Electric Company v. U.S. (C.D. 3887, aff'd C.A.D. 1021) (Items marked "A") Cases for transistor radios imported with radios (entireties) (Items marked "B")	San Francisco Earphones (Items marked "A") Cases for transistor radios imported with radios (entireties) (Items marked "B")
P74816	Ford, J. October 23, 1974	J. C. Penney Purchasing Corp. et al.	66/11077, etc.	Item 664.70 15%	Item 665.22 12.5%			General Electric Company v. U.S. (C.D. 3887, aff'd C.A.D. 1021)	Los Angeles Earphones
P74817	Ford, J. October 23, 1974	B. W. Smith, a/c Ross Machine & Mill Supply Co., et al.	66/30463, etc.	Item 666.25 11.5%	Items 660.58 or 680.60 3%			Ross Machine & Mill Supply, Inc., et al. v. U.S. (C.D. 4389)	Houston Cast-iron rollers

P74/818	Ford, J. October 23, 1974	Trans-Atlantic Company etc.	65/2802, etc.	<p>Item 646.60 22.5%, 30%, 18%, 15.5%</p> <p>Item 646.63 19%, 17%, 15%, 13%</p>	<p>Item 646.49 12.5% (Items on invoices of entries in schedule "A" attached to order identified as: not hardened (or unhard- ened, or non- hardened) sheet metal screws; fully (or fully) thread (or threaded) wood screws; fully thread (or threaded) non-hardened wood screws; wood screws; wood screws) Protesta dis- missed as to entries in sched- ule "B" at- tached to said order</p>	<p>Summary Judgment Trans-Atlantic Company v. U.S. (C.D. 4344)</p>	Philadelphia Screws
P74/819	Watson, J. October 23, 1974	Guy B. Barham Co., a/o American Eastern Sup- ply Co.	67/00470	<p>Item 646.81 184 per doz. plus 8%</p>	<p>Item 646.80 124 per doz. plus 8%</p>	<p>Summary Judgment</p>	Los Angeles Bicycle padlocks
P74/820	Watson, J. October 23, 1974	Hudson Merchandise Corp.	73-10-02999	<p>Item 544.51 17.5%</p>	<p>Item 544.54 10%</p>	<p>Summary Judgment Hudson Merchandise Co. v. U.S. (C.D. 4420)</p>	New York Mirror-flex

Decisions of the United States Customs Court

Abstracts

Abstracted Reappraisal Decisions

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	UNIT OF VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R74/357	Re, J. October 24, 1974	Aircargo Brokerage Co., et al.	R38/24501, etc.	Export value: Net ap- praised value less 7½%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Miami Japanese plywood
R74/358	Re, J. October 24, 1974	D. C. Andrews & Co. of Mass. et al.	R59/1457, etc.	Export value: Net ap- praised value less 7½%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Boston Japanese plywood
R74/359	Re, J. October 24, 1974	Biddle Purchasing Co.	R61/7408	Export value: Net ap- praised value less 7½%, net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Baltimore Japanese plywood

R74/300	Re. J. October 24, 1974	Geo. S. Bush & Co., Inc., et al.	R58/20955, etc.	Export value: Net ap- praised value 7¼% net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Longview (Portland, Oreg.) Japanese plywood
R74/301	Re. J. October 24, 1974	Geo. S. Bush & Co. Inc.	R59/7968	Export value: Net ap- praised value 7¼% net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Portland, Oreg. Japanese plywood
R74/302	Re. J. October 24, 1974	Cavalier Shipping Co., Inc., et al.	R58/15401, etc.	Export value: Net ap- praised value 7¼% net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Norfolk Japanese plywood
R74/303	Re. J. October 24, 1974	M. S. Cowen Co. et al.	R60/6575, etc.	Export value: Net ap- praised value 7¼% net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Tampa Japanese plywood, other than birch plywood
R74/304	Re. J. October 24, 1974	Getz Bros. & Co. et al.	270338-A, etc.	Export value: Net ap- praised value 7¼% net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	New York Japanese plywood
R74/305	Re. J. October 24, 1974	Helde & Co., Inc., et al.	R64/17750, etc.	Export value: Net ap- praised value 7¼% net packed	Not stated	U.S. v. Getz Bros. & Co. et al. (C.A.D. 927)	Wilmington, N.C. Japanese plywood

Judgments of the United States Customs Court
in Appealed Cases

OCTOBER 22, 1974

APPEAL 5514.—United States *v.* J. M. Altieri, a/c Antonio Roig, Sucesores S. en C.—COPPER TUBES—PARTS OF SUGAR MACHINERY—TSUS.—C.D. 4355 reversed June 27, 1974. C.A.D. 1127.

APPEAL 5541.—General Instrument Corporation *v.* United States.—T.V. DEFLECTION YOKES—WIRE OF U.S. ORIGIN USED IN ASSEMBLY ABROAD—PARTS OF TELEVISION APPARATUS—DUTY EXEMPTION DISALLOWED—TSUS.—C.D. 4421 reversed June 27, 1974. C.A.D. 1128.

Appeal to United States Court of
Customs and Patent Appeals

APPEAL 75-7.—United States *v.* Hancock Gross, Inc.—FAUCET WASHERS—RUBBER OR PLASTIC ARTICLES—PARTS OF HAND-OPERATED AND CHECK TAPS, ETC., USED TO CONTROL THE FLOW OF LIQUIDS, ETC.—GASKETS—TSUS. Appeal from C.D. 4555.

Merchandise described as faucet washers, designed to be attached to the end of a faucet stem or spindle primarily to seal off the flow of water when the valve is in the shut-off position, was assessed with duty at 15 percent ad valorem under item 774.60, Tariff Schedules of the United States, as articles, not specially provided for, of rubber or plastics. Defendant, in an affirmative defense, alleged that if the washers were not properly dutiable as assessed then they would be dutiable at 16 percent under item 680.22 as parts of hand-operated and check taps, cocks, valves and similar devices used to control the flow of liquids, gases, or solids. Plaintiff-appellee claimed that the merchandise was dutiable at 9 percent under item 773.25 as gaskets, of rubber or plastics. The court sustained plaintiff's claim.

It is claimed that the Customs Court erred in finding and holding that the faucet washers in issue are classifiable under item 773.25, *supra*; in finding and holding that the washers provide a seal between essentially stationary surfaces; and in not finding and holding that the merchandise in issue is classifiable under item 680.22, *supra*, or under item 774.60, *supra*.

Tariff Commission Notices

Investigations by the United States Tariff Commission

DEPARTMENT OF THE TREASURY, November 7, 1974.

The appended notices relating to investigations by the United States Tariff Commission are published for the information of Customs Officers and others concerned.

VERNON D. ACREE,
Commissioner of Customs.

[AA1921-143]

TAPERED ROLLER BEARINGS AND CERTAIN COMPONENTS THEREOF FROM JAPAN

Notice of new investigation and hearing

Termination of prior investigation and cancellation of hearing

Having received advice from the Treasury Department on October 23, 1974, amending its advice received on September 4, 1974, that tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately, from Japan, are being, or are likely to be, sold at less than fair value, the United States Tariff Commission on October 24, 1974, instituted investigation No. AA1921-143 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, N.W., Washington, D.C. 20436, beginning at 10:00 a.m., EST, on Tuesday, December 3, 1974. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing at its office in Washington, D.C., not later than noon Wednesday, November 27, 1974.

Investigation AA1921-142 instituted on September 11, 1974, is hereby terminated, and the public hearing scheduled in connection therewith to begin on October 29, 1974, is hereby cancelled. (39 F.R. 33268 and 33840).

By order of the Commission:

KENNETH R. MASON,
Secretary.

Issued October 24, 1974.

[337-35]

CERTAIN HYDRAULIC TAPPETS

Notice of dismissal of investigation

On the basis of submissions made to the United States Tariff Commission by interested parties and for other reasons, the Commission on October 10, 1974, dismissed investigation No. 337-35. Notice of the institution of the investigation was published in the *Federal Register* of May 1, 1974 (39 FR 15184-15185).

By order of the Commission:

KENNETH R. MASON,
Secretary.

Issued October 30, 1974.

[TEA-W-252]

**WORKERS' PETITION FOR A DETERMINATION UNDER SECTION 301(c) (2) OF THE
TRADE EXPANSION ACT OF 1962**

Notice of investigation

On the basis of a petition filed under section 301(a) (2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Milford, Massachusetts, plant of the Shaer Shoe Corp., Manchester, New Hampshire, the United States Tariff Commission, on October 29, 1974, instituted an investigation under section 301(c) (2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in item 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or under-

employment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the *Federal Register*.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, N.W., Washington, D.C., and at the New York City office of the Tariff Commission located at 6 World Trade Center.

By order of the Commission.

KENNETH R. MASON,
Secretary.

Issued October 30, 1974.

[337-39]

CHAIN DOOR LOCKS

Notice of investigation and hearing

A complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), was filed with the United States Tariff Commission on June 21, 1973, and amended on June 17, 1974, on behalf of Ideal Security Hardware Corporation of St. Paul, Minnesota, alleging unfair methods of competition and unfair acts in the importation and sale of certain chain door locks by reason of their being embraced within the claims of U.S. Patents No. 3,161,035; 3,275,364; and 3,395,556, which are owned by the complainant. The complainant alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

Having conducted a preliminary inquiry with respect to the matters alleged by the said complainant, the United States Tariff Commission, on October 29, 1974, Ordered:

That for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations thereof.

That a public hearing be held on December 5, 1974, at 10:00 a.m., E.S.T., in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, N.W., Washington, D.C. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to

be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, not later than noon, Friday, November 29, 1974.

Public notice of the receipt of the original and the amended complaints were published in the *Federal Register* on July 31, 1973, and July 30, 1974 (39 F.R. 20381 and 39 F.R. 27614). The complaint and the amended complaint were served upon the parties named in the complaint and have been available for inspection by interested persons continually since issuance of the notice of preliminary inquiry, at the Office of the Secretary, located in the U.S. Tariff Commission Building and in the New York City Office of the Commission, located in Room 437 of the Customhouse.

By order of the Commission :

KENNETH R. MASON,
Secretary.

Issued October 31, 1974.

Table 1. List of countries and territories

Table 2. List of countries and territories

Table 3. List of countries and territories

Table 4. List of countries and territories

Table 5. List of countries and territories

Table 6. List of countries and territories

Table 7. List of countries and territories

Table 8. List of countries and territories

Table 9. List of countries and territories

Table 10. List of countries and territories

Table 11. List of countries and territories

Index

U.S. Customs Service

Cotton textiles; restriction on entry:

Certain categories; Socialist Republic of Romania..... T.D. No. 74-285

Foreign currencies; daily rates:

Hong Kong dollar for the period October 21-25, 1974..... 74-283

Iran rial for the period October 21-25, 1974..... 74-283

Philippines peso for the period October 21-25, 1974..... 74-283

Singapore dollar for the period October 21-25, 1974..... 74-283

Thailand baht (tial) for the period October 21-25, 1974..... 74-283

Remission or mitigation of forfeiture and claims for forfeiture value..... 74-287

Vessels in foreign and domestic trades; sec. 4.7(a), 4.75(a) (b), 4.81(e),
and 4.85(c), Customs Regulations, amended..... 74-284

White or Irish potatoes, other than certified seed; tariff-rate quota for the
quota year beginning September 15, 1974..... 74-286

Customs Court

Appeal to U.S. Court of Customs and Patent Appeals; appeals:

75-7—Faucet washers; rubber or plastic articles; parts of hand-operated
and check taps, etc., used to control the flow of liquids, etc.; gaskets; TSUS.

Candlesticks; illuminating articles, C.D. 4561

Common meaning; lamp, C.D. 4561

Construction; Tariff Schedules of the United States:

Item 653.35, C.D. 4561

Item 653.37, C.D. 4561

Item 654.00, C.D. 4561

Definition (*see* Words and phrases)

Illuminating articles:

Candlesticks, C.D. 4561

Legislative history, C.D. 4561

Judgments in appealed cases (p. 30); appeals:

5514—Copper tubes; parts of sugar machinery; TSUS.

5541—T.V. deflection yokes; wire of U.S. origin used in assembly abroad;
parts of television apparatus; duty exemption disallowed; TSUS.

Lamp; common meaning, C.D. 4561

Lamps, table, floor or portable, C.D. 4561

Legislative history; illuminating articles, C.D. 4561

Table, floor or portable lamps, C.D. 4561

Words and phrases:

Candelabrum, C.D. 4561
 Candle, C.D. 4561
 Candlestick, C.D. 4561
 Lamp, C.D. 4561
 Lampad, C.D. 4561
 Lampstand, C.D. 4561
 Lantern, C.D. 4561
 Portable, C.D. 4561
 Tallow, C.D. 4561

Tariff Commission Notices

Certain hydraulic tappets; notice of dismissal of investigation; p. 32.

Chain door locks; notice of investigation and hearing; p. 33.

Tapered roller bearings and certain components thereof from Japan; notice of new investigation and hearing; termination of prior investigation and cancellation of hearing; p. 31.

Workers' petition for a determination under Section 301(c)(2) of the Trade Expansion Act of 1962; notice of investigation; Shaer Shoe Corp.; p. 32.



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20540

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20540

OFFICIAL BUSINESS



UNITED STATES
GOVERNMENT PRINTING OFFICE
PUBLIC DOCUMENTS DEPARTMENT
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375



CB UNIVE400UD R 1
UNIVERSITY MICROFILMS
J REED SUPVR PERIODICALS
400 N ZEEB RD
ANN ARBOR MI 48104

